United Nations S/2011/510

Security Council

Distr.: General
10 August 2011

Original: English

Letter dated 5 August 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the enclosed Agreement on the Border Monitoring Support Mission between the Government of the Sudan and the Government of South Sudan, signed on 30 July 2011 (see annex).

In order to evaluate how the United Nations could support implementation of this Agreement, and with a view to providing the Security Council with recommendations in this regard, I would like to inform you of my intention to request the United Nations Interim Security Force for Abyei (UNISFA) to undertake a reconnaissance mission along the border between the Sudan and South Sudan as soon as possible.

(*Signed*) **BAN** Ki-moon

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Annex

Agreement on the Border Monitoring Support Mission between the Government of the Sudan and the Government of South Sudan

Addis Ababa, 30 July 2011

1. The Government of the Sudan and Government of South Sudan, hereinafter referred to as the Parties, reaffirm their commitment to the agreement signed in Addis Ababa on 29 June 2011, as supplemented by the agreements of 7 December 2010, Annex 2, which relates to the Joint Political and Security Mechanism (JPSM), and the Joint Position Paper signed between the National Congress Party/Sudan Armed Forces and Sudan People's Liberation Movement/Army on 30 May 2011, with the following additions and amendments:

(i) Amendments to the 7 December 2010 JPSM document: JPSM membership would be expanded to include the Ministers of Foreign Affairs and Ministers of Interior of both countries; reference to the Joint Field Committee would become the Joint Border Verification Monitoring Mechanism (JBVMM), the Joint Sector Teams (JSTs) would become Joint Border Verification Monitoring Sectors, the Joint Team Sites (JTS) would become Joint Border Verification Monitoring Teams (JBVMTs), and reference to the Common Border Zone would become the Safe Demilitarized Border Zone (SDBZ).

(ii) Prior to first meeting of the JPSM, a joint legal committee of the Parties assisted by the AUHIP legal advisors will prepare a consolidated document for the reference of the JPSM.

2. The Parties agree with the Force Commander to 300 force protection as an adequate basis, pending the recommendations of the Force Commander as per Paragraph 5 of the 29 June 2011 agreement.

3. The Parties agree that the area of responsibility (AOR) for the JBVMM shall correspond to the SDBZ. The centre line for the SDBZ shall be the 1/1/56 borderline except for the agreed disputed areas. Pending the final resolution of the disputed areas, the administrative common borderline, as reflected in the map produced and signed by the Technical Boundary Demarcation Committee before the first meeting of the JPSM and shall be used as the sole reference. This map shall be attached to the consolidated document referred to in Paragraph 1 (ii) for their operation.

4. The Parties agree that they and the United Nations Interim Security Force for Abyei (UNISFA) shall, in accordance with the provisions of the 29 June 2011 Agreement, undertake a joint assessment mission to establish: the location of the mission headquarters; location and number of sector headquarters; the location and number of teams; and the personnel to be assigned to these tasks. The outcome of the assessment mission shall be submitted to the JPSM for consideration and approval.

5. The Force Commander shall also undertake a reconnaissance mission, in consultation with the Parties, to assess the operational requirements of the mission.

6. The Parties agree to the tasks stipulated in Annex A of this Agreement.

7. Both Parties shall submit their proposals on the corridors of movement to the JPSM.

8. The Parties hereby request the UN to endorse the agreement on the Border Monitoring Support Mission with the following additional tasks to the UNISFA mandate:

(i) Provide force protection

(ii) Provide observers

(iii) Provide logistic and air support

(iv) Provide accommodation for national observers

(v) The Senior Observer reports to the UNISFA Force Commander

9. The Parties agree to prepare for the JPSM in accordance with previously agreed rules of procedure as in Annex C.

10. The Parties agree that the first meeting of the JPSM will be held on 17 August 2011. The meetings of the JPSM shall rotate between Sudan and South Sudan. The first meeting will be held in Khartoum.

11. The SDBZ and associated border management mechanisms are measures necessary until normal relationships prevail between the two sovereign States. Thus the JPSM shall review the necessity of these measures every six months with a view to making recommendations to the Presidents on the need for continuation.

12. The suggested draft agenda for the first meeting of the JPSM is as follows:

(i) Consideration of the structure, rules and budget of the JPSM.

(ii) Consideration and adoption of the recommendations of the Joint Committee and UNISFA.

(iii) Report by UNISFA FC on the outcome of his assessment mission.

(iv) Consideration of corridors of movement in the SDBZ.

(v) Appointment of the JBVMM for endorsement by the Parties.

(vi) Agreement of the date of launching of the SDBZ and related security mechanisms.

(vii) Discussion on corridors within the SDBZ.

(viii) Date, time, location and agenda of the next JPSM.

(ix) Any Other Business.

Annexes:

A. Tasks of the Support Border Monitoring Mission

B. Tasks of Joint Border Verification Sectors (JBVMS) and Joint Border Verification Teams (JBVMTs)

C. Rules of procedures for the JPSM

Signed on 30 July 2011 at Addis Ababa

(*Signed*)
Gen. Ismat Abdelrahman **Zain Elabdeen**
Government of the Sudan

(*Signed*)
H.E. Lt. Gen. Paul Mayom **Akec**
Government of South Sudan

(*Signed*) Witnessed by Pierre **Buyoya**
African Union High Level Implementation Panel

Annex A
Tasks of Border Monitoring Support Mission

1. Assist in ensuring the observance of the Security Commitments agreed by the Parties;

2. Support activities (verifications, investigations, monitoring, arbitrations, training, liaison coordinating reporting, information exchange and patrols as required between the Parties along SDBZ;

3. Support control of Small Arms and Light Weapons (SALW) circulation within and across the SDBZ, with the JBVMM, JBVMMS, JBVMTs.

4. Conduct institutional training for border police and border security mechanisms as requested by the Parties;

5. Chair JBVMM meetings and sign JBVMM decisions with the Parties;

6. Oversee complaints of the Parties to the obligations under the Joint Position Paper on Border Security of 30 May 2011;

7. Coordinate planning, monitoring and verification of the implementation of the Joint Position Paper on Border Security of 30.05.2011;

8. Receive, verify and resolve violations, disputes and complaints;

9. Facilitate liaison between the Parties;

10. The JBVMM shall maintain necessary chart geographical and mapping references, which once agreed to the border between the two states, shall be used for the purpose of monitoring of the implementation in accordance with Paragraph 2 of the Agreement on Border Security and the Joint Political and Security Mechanism of 29 June 2011;

11. Assist, facilitate and help to protect the demarcation teams within the SDBZ as requested by the JPSM;

12. Create capacity for effective bilateral management mechanisms;

13. Assist building mutual trust, confidence and an environment which encourages long-term stability and economic development.

Annex B
Tasks of Joint Border Verification and Monitoring Sectors (JBVMS) and Joint Border Verification Teams (JBVMTs)

1. JBVMS Tasks:

   1.1 Coordinate planning, monitoring and verification of the implementation of the agreement within its jurisdiction.

   1.2 Upon complaint of a security nature submitted to the JBVMS leader by representative of either party, task JBVMT to monitor, verify and report on security within SDBZ.

   1.3 Submit a report to JBVMM signed by the JBVMS leader and senior representative of each party, with a copy of the report to each party.

   1.4 Report unlawfully held weapons to the JBVMM and appropriate police authorities for confiscation. Observe and record their destruction and report on local disputes. Any disputes beyond their competence are to be raised to the JBVMM.

   1.5 Liaise and conduct meetings every two weeks and when necessary.

   1.6 Maintain necessary charts, graphical and mapping references in its area of jurisdiction, which once agreed to be the border between the two states, shall be used for the purpose of the monitoring of the implementation of this agreement.

   1.7 Facilitate liaison between their mother units in the two states within its jurisdiction and to discuss the relevant issues which shall better inform the JBVMM agenda.

2. JBVMS HQ Composition:

   2.1 Two officers from each, SAF and SPLA with the ranks of not less than Lt. Colonel.

   2.2 Two police officers from each side with the ranks of not less than Lt. Colonel or equivalent.

   2.3 Two NISS officers from each side with ranks of not less than Lt. Colonel.

   2.4 One Legal Advisor from each side.

   2.5 One command post composed of two military officers from each side plus one external observer/monitor.

   2.6 Two JBVMS shall reach its decisions by consensus of the Parties and shall establish its internal regulations.

3. JBVMTs (Teams): There will be a minimum of six teams; however, given the size of all sectors is not the same, the Parties agree that the number of teams and their locations will be determined by the sector commander in consultation with the JBVMM and the Force Commander and with the approval of the JPSM. Additionally teams if required, may be created this way or disbanded where they are no longer required.

3.1 Team Composition: Each team will be composed of an equal number of representatives from each party; the team leader (external observer), one representative from each of SAF and SPLA, plus one representative from the police, one from national security and one Legal Advisor from each Party. If necessary for a specific mission, a representative from the local authorities or community will be attached to the JBVMT. Teams will be deployable by vehicle or air, with freedom to move throughout the SDBZ on both sides of the border and appropriate equipment for their function, including cameras.

3.1.1 Team tasks: Teams will act jointly to:

3.1.1.1 Monitor and report on security within the SDBZ by conducting patrols and visits as required throughout their respective sectors in order to prevent any violations and enhance confidence-building.

3.1.1.2 Report unlawfully held weapons to the Joint Border Verification Monitoring Sectors (JBVMS) for more verification in justifying the unlawful weapons and awaiting destruction directives from JPSM.

3.1.1.3 Arbitrate on local disputes. Any disputes beyond their competence are to be raised to sector level and to the JBVMM if necessary who may then raise it to JSPM if necessary.

3.1.1.4 Upon complaint of a security nature submitted to the JBVMT leader from the representative of either party, the JBVMT leader will task the JBVMT to monitor, verify and report on security situation within the SDBZ to JBVMS.

3.1.1.5 Submit a report to the JBVMM signed by the JBVMS leader and a senior representative of each party, with a copy of the report to each party.

3.1.1.6 Liaise and conduct meetings every week and when necessary.

4. Police:

4.1 Official border crossings and movement corridors will be decided by the first (preliminary) JPSM meeting, based on the proposals of the 2 Parties which will be provided to the JPSM secretariat before the first (preliminary) JPSM meeting;

4.2 The crossing of the SDBZ shall be through identified crossing points and corridors.

4.3 Border crossing procedures will be conducted consistent with the normal customs and immigration rules and procedures of the two sovereign states.

Annex C
Rules of Procedure for the JPSM

1. Timings. The JPSM shall meet quarterly but can call extraordinary meetings when any problem occurs. The JBVMM shall meet on a monthly regular basis in the mission headquarters, or in any other location as decided by the JBVMM. The JBVMM may also meet on an emergency basis when the situation requires.

2. Locations. The location of the JPSM will rotate with its chair and will normally alternate between Khartoum and Juba; however, both chairs may agree to hold a JPSM:

2.1 In an area closer to or inside the SDBZ, if they agree that this would provide JPSM members with greater awareness of an agenda item; or

2.2 In a neutral location with the agreement of a host country.

3. JPSM Secretariat. The JPSM Secretariat will:

3.1 Comprise 8 persons drawn 50/50 from the sending States.

3.2 Be fully established and appropriately equipped and housed in two offices (Khartoum and Juba) in time to support the first (preliminary) JPSM meeting. Each office shall be routinely manned by the 4 staff members and funded by each sovereign state. However all eight staff shall concentrate on the office where a JSPM meeting is to be held for a period of up to 15 days (the exact duration to be decided by the hosting chair) either side of the date of the JPSM meeting in order to provide support for that meeting times of JPSM meetings all the 8 staff shall converge for a JPSM meeting that is to be held for agreed period. And in case of a meeting in a neutral location the JPSM will coordinate and liaise with the host country.

3.3 The funding of the SBDZ National Border Security Mechanisms and the JPSM secretariats is the sole responsibility of each sovereign state with the support of the third 3rd Party for the international elements.

3.4 Be funded on a 50/50 basis by both states.

3.5 Tasks. The JPSM Secretariat will:

3.5.1 Coordinate all aspects of JPSM work, including the day to day administrative activities and regular reports of JPSM meetings.

3.5.2 Circulate the agenda at least 7 days in advance of JPSM meetings.

3.5.3 Draft minutes of JPSM meetings for ratification by signature of both chairs within 7 days following a JPSM meeting.

3.5.4 Publish the agreed minutes of the JPSM within 14 days of the date of respective meetings.

3.5.5 Prepare budget submissions for JPSM ratification and accountability.

3.6 Public Information/Media. All contact with the media will be conducted on a joint basis and only by the JPSM chairs or their designated

spokespersons. JBVMM and JBVMS and JBVMTs will refer all media/public information issues to the JPSM.

3.7 Exchange of Information and Liaison. In the spirit of Kuriftu General Objective 7 and of cooperation and in order to build confidence and de-escalate potential cross-border tension, the Parties will establish:

3.7.1 Direct communications between the respective members of the JPSM from each sovereign state and with the JPSM secretariat;

3.7.2 The exchange of information shall be through the SDBZ coordinating security mechanisms JPSM, JBVMM, JBVMS and JBVMTs secretariats and the two Embassies.

3.8 Logistics and Funding. The cost of JPSM meetings, less for travel to the meeting which shall remain the responsibility of the sending States, will be met by the hosting government. In the event that a JPSM Meeting is held in a neutral location, it will be for the joint chairs to agree a funding mechanism with the host country before confirmation of the meeting location.

3.9 All other costs of the JPSM, JBVMM, JBVMS and JBVMTs, less for the costs of external monitoring which will be met by the appropriate authority, will be the sole responsibility of the two states in equal proportion. The JPSM budget for the coming accounting (calendar) year will be agreed as a JPSM agenda item no later than 6 months before the beginning of the accounting year and ratified by the two sending governments no later than 3 months before the start of the accounting year.

3.10 The budget for the remainder of the first accounting year will be estimated at by the preliminary JPSM; 50% of this sum will be deposited into each of two escrow accounts (to be administered by the 2 States) no later than 14 August. Any external donations and support will be held in an AU escrow account.

3.11 The JPSM Secretariat will publish the actual expenditure against budget for the JPSM during the previous accounting year no later than one month after the end of the accounting year. The JPSM Secretariat will publish its annual budget forecast for the coming accounting year no later than 6 months before the beginning of the accounting year.

4. Coordinating Instructions:

4.1 Numbers, Composition and Locations. The Parties shall inform the JPSM secretariat before 14 August 2011 in advance of the first (preliminary) JPSM meeting of the number, composition and location of, and boundaries between the security elements to be deployed in the SDBZ. These details shall be ratified by the first meeting of the JPSM. Any subsequent changes to the numbers, composition, deployments and boundaries of the security elements to be deployed in the SDBZ are to be ratified by the JPSM.

4.2 Small Arms/Light Weapons: The maximum calibre of weapons permissible within the SDBZ is 12.7 mm (0.5 inch). No other weapons,

including mines and grenades, shall be deployed within the SDBZ. Weapons verified as unlawful by the JBVMM, JBVMS, JBVMTs shall be recorded, secured and handed over to the appropriate police authority pending JPSM directives on destruction.

4.3 Border Demarcation: The JPSM will facilitate the work of the commission for demarcation of the border between the two sovereign states.

United Nations S/2011/511

Security Council

Distr.: General
10 August 2011

Original: English

Letter dated 9 August 2011 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 5 August 2011 (S/2011/510) concerning your intention to request the United Nations Interim Security Force for Abyei (UNISFA) to undertake a reconnaissance mission along the border between Sudan and South Sudan as soon as possible has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(Signed) H. S. **Puri**
President of the Security Council

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United Nations A/65/926–S/2011/512

General Assembly
Security Council

Distr.: General
10 August 2011

Original: English

General Assembly
Sixty-fifth session
Agenda item 107
Measures to eliminate international terrorism

Security Council
Sixty-sixth year

Letter dated 8 August 2011 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

As you are aware the Islamic Republic of Iran organized a conference in Tehran, the International Conference on the Global Fight against Terrorism, on 25 and 26 June 2011. At that conference a number of Heads of State and Government, high-level officials and prominent experts from 60 countries as well as representatives of relevant international and regional organizations participated. The purpose of the Tehran Conference was to exchange views on the global fight against terrorism and find practical ways to further mobilize political will and strengthen international capacities in countering terrorism at national and international levels.

The Tehran Conference is yet another firm indication of the seriousness of Iran's stance with regard to the urgency of international action in the elimination of the threats posed by terrorism in all its forms and manifestations, including State terrorism, by whomever and against whomever it may be committed.

I have the honour to transmit herewith the Chairman's Conclusion of the International Conference on the Global Fight against Terrorism (see annex). It would be highly appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 107, and of the Security Council.

(*Signed*) Eshagh **Al Habib**
Ambassador
Chargé d'affaires a.i.

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Annex to the letter dated 8 August 2011 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Chairman's Conclusion
International Conference on the Global Fight against Terrorism

Tehran, 25 and 26 June 2011

1. At the initiative of the Government of the Islamic Republic of Iran, the International Conference on the Global Fight against Terrorism was held on 25 and 26 June 2011 in Tehran. Heads of State and Government from the neighbouring countries Afghanistan, Iraq and Pakistan, as well as from the Republic of the Sudan, Tajikistan and Mauritania, the Vice-President of Cuba and Ministers and other high-level delegates from 60 States, representatives of the United Nations (Officer in Charge of the Counter-Terrorism Implementation Task Force), the Organization of Islamic Cooperation and other regional organizations as well as distinguished scholars and researchers and peace activists from all around the world participated in the Conference.

2. The participants expressed their deep appreciation to the Government of the Islamic Republic of Iran for its constructive and timely initiative in organizing the International Conference on the Global Fight against Terrorism, and congratulated the Islamic Republic of Iran on the successful organization of the event. The participants stressed the high importance of such gatherings in further mobilizing political will and strengthening international capacities in countering terrorism at national and international levels.

3. The participants reiterated their unequivocal condemnation of all acts of terrorism in all its forms and manifestations, including State terrorism and economic terrorism wherever, against whomever and by whomever it may be committed. It was underlined that State terrorism has long posed a real threat to the peace and stability of many nations across the globe through unlawful use or threat of force, aggression and occupation.

4. It was acknowledged that terrorism is a global challenge the elimination of which requires a globally approved approach under the United Nations auspices and through participation of all responsible members of the international community. It also requires the use of all potentials of the competent regional and international organizations in order to promote cooperation and coordination in countering terrorism.

5. The vital importance of considering terrorism in a holistic and comprehensive manner and in all its aspects was underscored. In this context, the importance of addressing the historical and continuing underlying root causes of terrorism, including foreign aggression and occupation, poverty and discrimination as well as interventionist policies by some States was highlighted.

6. The participants underlined, as also reiterated by Iran's Supreme Leader, the need for providing a consensual definition of terrorism without prejudicing or affecting, in any manner, the recognized rules and principles of international humanitarian law. It was emphasized that legitimate struggles of peoples under

colonial rule or foreign occupation for their inalienable right to self-determination should not be labelled as terrorism.

7. The importance of countering terrorism in a transparent, rule of law-based, and non-discriminatory manner was emphasized. It was underlined that counter-terrorism measures shall be adopted and carried out in accordance with the Charter of the United Nations and international law, including international human rights and humanitarian law. The participants rejected selective or double-standard approaches in dealing with terrorism and terrorist groups and warned that such approaches could undermine international trust and cooperation in countering terrorism globally.

8. The distinctive role of the United Nations, especially the General Assembly, in building international consensus and promoting cooperation and coordination against terrorism was highlighted. In this context, the imperative of following the consensual approach in the international counter-terrorism norm-making processes was underlined. Also the important status of the United Nations Global Counter-Terrorism Strategy and the need for its balanced implementation as well as its further reviews with a view to its strengthening was emphasized.

9. The participants underlined the need to extend cooperation and interaction among all States in countering terrorism, in all its aspects, at bilateral, regional and international levels. The participants recalled the responsibility of all States in taking necessary measures to bring terrorists to justice, and requested all States to strengthen cooperation to this end.

10. The participants highlighted the unequivocal denunciation by all divine religions of acts of terrorism and indiscriminate violence against innocent people and the high importance these religions attach to human life and dignity as well as peaceful coexistence among nations. The participants rejected any vicious attempt to associate or attribute terrorism to a particular culture, religion or nationality and expressed their concern over certain circles' attempts to associate intolerance, extremism, terrorism and violence with religions, particularly Islam, and condemned any offensive or provocative act against divine values and religious sanctities.

11. The participants expressed their sympathy with victims of terrorism, including State terrorism. The participants expressed their deep concern over excessive and/or disproportionate use of military force in the name of countering terrorism, which has claimed the lives of an increasing number of innocent civilians, and stressed the importance of addressing the plight of these victims. The participants applauded the initiative of the Conference to commemorate the victims of acts of terrorism.

12. The participants welcomed the Islamic Republic of Iran's initiative to establish a standing headquarters for the Conference as a follow-up to further mobilize international and regional political will and preserve the momentum in promoting cooperation and coordination in countering terrorism. In this context, the participants welcomed the offer made by the Republic of Iraq to hold the next Conference in Iraq at a date to be announced in due course.

United Nations A/65/929–S/2011/513

General Assembly
Security Council

Distr.: General
11 August 2011

Original: English

General Assembly
Sixty-fifth session
Agenda items 36 and 37

The situation in the Middle East

Question of Palestine

Security Council
Sixty-sixth year

Identical letters dated 10 August 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith relevant documents along with letters written by 45 prominent Palestinians from Jerusalem and Israel, including Christian and Muslim figures, politicians, businesspeople and civil society activists, addressed to the United Nations High Commissioner for Human Rights, Navanethem Pillay, and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Irina Bokova, urging that they take action to stop the continued destruction of Ma'man Allah Cemetery in Jerusalem by the Israeli Government (see annex).

The present letter is in follow up to our letter dated 9 April 2010 (A/ES-10/486-S/2010/184), in which we enclosed the petition "Urgent action on human rights violations by Israel: Desecration of the Ma'man Allah (Mamilla) Muslim Cemetery in the Holy City of Jerusalem", filed by Palestinian individuals whose ancestors are buried at Ma'man Allah Cemetery in addition to several other NGOs from Palestine, Israel and the United States that oppose the establishment of so called Centre for Human Dignity and Museum of Tolerance on the human remains of the dead Muslims buried in the Cemetery.

We would like to recall that the Charter of the United Nations reaffirmed "faith in fundamental human rights, and in the dignity and worth of the human person" and committed all Member States to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Ironically both the Centre and the Museum bear names that do not befit this act of bigotry and contempt against the dignity and worth of the human person. Protection of cultural heritage and cultural property, including religious sites such as cemeteries, is guaranteed by international human rights instruments such as the UNESCO World Heritage Convention, the Universal Declaration of Human Rights, the International Covenant on Civil and Political

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Rights and the International Convention on Economic, Social and Cultural Rights. Further building in the cemetery constitutes a violation of basic human rights, including the right to manifest religious beliefs, the right to family and culture, and the right to freedom from discrimination, as set forth in the Convention on the Elimination of All Forms of Racial Discrimination.

Israel, the occupying Power, must be compelled to put an end to its unlawful policy of discrimination and contempt towards Palestinian Muslim and Christian holy places. We call on the international community, in particular the United Nations, to take the necessary actions to put an end to these violations.

I kindly request that the text of the present letter and its annexes be circulated as a document of the General Assembly, under agenda items 36 and 37, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex I to the identical letters dated 10 August 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

center for constitutional rights

الحملة الأهلية للحفاظ على
مقبرة مأمن الله المقدسية
Campaign to Preserve Mamilla Jerusalem Cemetery

CONTACT: Jen Nessel, 212.614.6449, jnessel@ccrjustice.org
David Lerner, Riptide Communications, 212.260.5000

Palestinian Community Leaders Urge UN and UNESCO to Oppose Israeli Construction of "Museum of Tolerance"

CCR and Campaign Continue to Press UN Officials

July 21, 2011, New York, Jerusalem – Forty-five prominent Palestinians from Jerusalem and Israel, including Christian and Muslim religious figures, politicians, businesspeople and civil society activists, today addressed United Nations High Commissioner for Human Rights Navenethem Pillay, and UNESCO Director-General Irina Bokova, urging that they take action to stop the continued destruction of Mamilla Cemetery in Jerusalem. The *Campaign to Preserve Mamilla Jerusalem Cemetery* – a group of 60 individuals with ancestors buried in the cemetery who originally petitioned the same two officials in February 2010 with legal counsel from the Center for Constitutional Rights – transmitted the letter to the Center for Constitutional Rights, which submitted it to the UN and UNESCO officials today.

The signatories span a wide political spectrum, including Israeli Arab members of the Knesset from various political parties and Jerusalemite Ministers and senior officials of the Palestinian Authority and the Palestinian Liberation Organization. Prominent religious leaders have also joined the appeal, including Greek Orthodox Archbishop Attalah Hanna and Shaykh Akrama Sabri – President of the High Islamic Council, with inter-denominational support from Jerusalem community groups. (The list of signatories is attached).

The letter comes in the wake of the Israeli Interior Ministry's approval on July12, 2011 of construction plans for the U.S.-based Simon Wiesenthal Center's "Center for Human Dignity – Museum of Tolerance" on the site of part of an ancient Muslim cemetery in the heart of Jerusalem, where thousands of human remains, gravestones and archaeological artifacts have already been desecrated and destroyed. This approval gives the final administrative green light for construction to begin immediately. It follows the Jerusalem Municipality's razing of dozens of grave markers in the small part of the cemetery that remains intact, provoking outrage among the Petitioners and other Palestinians who consider the cemetery part of their cultural heritage.

In their letter, the community leaders expressed alarm at the official Israeli permission for construction work to begin on the site of the cemetery for what they brazenly and unashamedly call a Center for Human Dignity – Museum of Tolerance! What humanity could this possibly refer to? And what dignity? And what tolerance?" Their letter appeals to the UN officials "for immediate intervention" by "sending a delegation to investigate the situation and putting pressure on the government of Israel, as was requested by the Human Rights Council Resolution of 2010." It emphasizes the "sanctity, location and historical importance of this cemetery, and the fact that it is an exceptional archaeological site, which is no less holy than the Christian or Jewish cemeteries whose profanation is also prohibited." The signatories also request that the international officials "give the necessary priority to the study of the Petition submitted…by a distinguished group of Jerusalemites…which includes thorough historical and legal documentation, and rightful and just requests that no reasonable person could refuse."

"This is not an issue that will disappear, and we are determined to show that it is a cause that unites all religions, and people across the political spectrum. We need action to ensure that this outrage to human dignity and tolerance does not continue, and is not repeated," says President of Al Quds University **Sari Nusseibeh**, one of 60 original Petitioners represented by CCR, and a signatory to the letter.

This eleventh-hour appeal follows the Center for Constitutional Rights' recent efforts to prompt action by the UNHCHR and UNESCO, which have yet to act on Petitioners' requests. "The pleas of people who are trying to protect the remains of their ancestors buried in Mamilla Cemetery have been largely disregarded by the international community, including the United Nations officials tasked with protecting their human rights," says CCR Acting Legal Director, **Maria LaHood**. "We will continue to appeal to the conscience of the world to prevent construction of the Museum, which is an attempt to erase Palestinian history and cultural heritage in Jerusalem."

The Petition, Addendum and other documents are available at www.mamillacampaign.org and http://www.ccrjustice.org/ourcases/current-cases/mamilla.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit www.ccrjustice.org. Follow @theCCR.

The Campaign to Preserve Mamilla Jerusalem Cemetery was initiated by the Petitioners, and is a wholly civil, volunteer initiative with no political coloring. All 60 individual petitioners are descendants of 15 of Jerusalem's most prominent and longest established families and have no relation with previous individual or institutional claimants in Israeli courts. The Petition was also supported by 16 human rights non-governmental organizations, based in Israel and the Occupied Palestinian Territory, including Jerusalem.

Annex II to the identical letters dated 10 August 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

الحملة الأهلية للحفاظ على

مقبرة مأمن الله المقدسية

Campaign to Preserve
Mamilla Jerusalem Cemetery

Jerusalem, 20 July 2011

Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights;

Ms. Irina Bokova, Director-General, UNESCO

Please find attached a letter addressed to you jointly from a group of 45 distinguished community leaders from Jerusalem and Israel, which they have requested be transmitted to you through our Campaign network to ensure it receives the attention it deserves.

As you are surely aware, our Campaign consists of a group of 60 Jerusalemites whose ancestors' remains repose in Mamilla Cemetery in the Holy City of Jerusalem, an antiquity site subject to "development" by the Simon Weisenthal Centre (SWC) into a "Museum of Tolerance" that will violate our core human rights and cultural heritage.

We have petitioned you both, we have exerted efforts to approach those SWC donors funding this desecration, we have even reached out to the Elders. And our just and legitimate demands continue to be met with a stony silence.

Please be assured that this is not an issue that will disappear, and that we are determined to show that Mamilla is a cause that unites all religions, and people across the political spectrum. We need your support and action to ensure that this outrage to human dignity and tolerance does not continue, and is not repeated.

On behalf of the *Campaign to Preserve Mamilla Jerusalem Cemetery*,

Professor Sari Nusseibeh

Ms. Huda Al-Imam

Ms. Dyala Husseini Dajani

Mr. Asem Said Khalidi

Letter dated 20 July 2011 from the Acting Legal Director of the Center for Constitutional Rights addressed to the United Nations High Commissioner for Human Rights

We enclose herewith a letter addressed to you by forty-five prominent Palestinians from Jerusalem and Israel, including Christian and Muslim religious figures, politicians, businesspeople and civil society activists, urging you to take action to stop the continued destruction of Mamilla Cemetery in Jerusalem. The letter is enclosed in Arabic, along with an English translation. This letter was transmitted to the Center for Constitutional Rights (CCR) by the *Campaign to Preserve Mamilla Jerusalem Cemetery*, which CCR has been working with and which originally petitioned you in February 2010 to intervene regarding Israel's desecration of the historic Mamilla cemetery so that the Los Angeles based Simon Wiesenthal Center can construct a so-called "Museum of Tolerance." The Campaign's cover letter to you is also enclosed.

We greatly appreciate the urgent attention of the Office of the United Nations High Commissioner for Human Rights to this matter and look forward to your response. Please feel free to contact me at 212-614-6430 or mlahood@ccrjustice.org if you have any questions or need any additional information.

Sincerely,

Maria C. LaHood
Acting Legal Director

Encls.

Letter dated 20 July 2011 from the Acting Legal Director of the Center for Constitutional Rights addressed to the Director-General of UNESCO

We enclose herewith a letter addressed to you by forty-five prominent Palestinians from Jerusalem and Israel, including Christian and Muslim religious figures, politicians, businesspeople and civil society activists, urging you to take action to stop the continued destruction of Mamilla Cemetery in Jerusalem. The letter is enclosed in Arabic, along with an English translation. This letter was transmitted to the Center for Constitutional Rights (CCR) by the *Campaign to Preserve Mamilla Jerusalem Cemetery*, which CCR has been working with and which originally petitioned you in February 2010 to intervene regarding Israel's desecration of the historic Mamilla cemetery so that the Los Angeles based Simon Wiesenthal Center can construct a so-called "Museum of Tolerance." The Campaign's cover letter to you is also enclosed.

We greatly appreciate the urgent attention of UNESCO to this matter and look forward to your response. Please feel free to contact me at 212-614-6430 or mlahood@ccrjustice.org if you have any questions or need any additional information.

Sincerely,

Maria C. LaHood
Acting Legal Director

Encls.

cc: Mr. Francesco Bandarin, UNESCO Assistant Director-General for Culture

Attachment

Jerusalem, 20 July 2011

Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights;

Ms. Irina Bokova, Director-General, UNESCO

RE: Urgent Action to Prevent the Jerusalem Municipality from Completely Desecrating Ma'man Allah (Mamilla) Cemetery

With our warmest regards from the Holy City of Jerusalem,

Mamilla Cemetery is one of the oldest Palestinian cemeteries, in which were buried numerous Companions and followers of the Prophet Muhammad, learned scholars, military commanders and many notables of Jerusalem throughout history. Unfortunately, ever since the Nakbah, this cemetery has been continuously targeted by the Israeli authorities. Indeed, 85 per cent of its area has been turned into parks and streets, and buildings have been erected over parts of it. Only 23 dunums of the cemetery remain, and even this area has not been spared by the Israeli authorities, which have attempted to dispose of what is left of it in any way possible.

On 25 June 2011, under cover of darkness in the late hours of the night, Jerusalem Municipality bulldozers entered Mamilla Cemetery and completely destroyed some 100 graves and grave markers. The authorities are still determined to continue the levelling and destruction of the graves of Jerusalem's ancestors, and they have placed red marks on dozens of additional graves in preparation for their destruction. This comes against the backdrop of official threats that construction will begin on the site of the cemetery of what they brazenly and unashamedly call "A Center for Human Dignity — Museum of Tolerance"! *We ask you: To what humanity could this possibly refer? What dignity? What tolerance?*

In the face of these troubling developments, we the undersigned, in the name of our steadfast Muslim and Christian Arab people in the Holy Land and the Holy City of Jerusalem, the "Flower of Cities", appeal urgently for you to intervene immediately in order to stop the desecration of this cemetery by sending a delegation to investigate the situation and putting pressure on the Government of Israel, in accordance with the Human Rights Council resolution of 2010. This is especially important in light of the sanctity and historical importance of this cemetery, and the fact that it is an exceptional archaeological site, which is no less holy than the Christian or Jewish cemeteries whose desecration is also prohibited.

We therefore ask that you accord due priority to considering the petition submitted to you by a distinguished group of Jerusalemites, represented by the Center for Constitutional Rights in New York, which includes thorough historical and legal documentation on this issue and rightful and just requests that no reasonable person could refuse.

Thank you for your cooperation.

- Shaykh Ibrahim Sarsour — Member of Knesset.
- Mr. Ibrahim Matar — The National Christian Society.
- Mr. Ahmed Hashem al-Zaghayer — President, Union of Chambers of Commerce.
- Mr. Usama al-Sa'adi — Attorney.
- Ms. Ilham Salama, Social Department, YMCA.
- Mr. Iyad al-Masrouji — Businessman and Investor.
- Mr. Bernard Sabella — Member of Palestinian Legislative Council.
- Mr. Tawfiq Habash — Businessman.
- Mr. Jamal Zahalqa — Member of Knesset.
- Dr. Jamal Nusseibeh — Attorney-at-Law.
- Mr. Hatem Abd Al-Qader — Minister for Jerusalem Affairs, Palestinian Authority.
- Mr. Hana Siniora — Businessman.
- Mr. Hana 'Amira — Member of the Executive Committee, Palestine Liberation Organization.
- Engineer Khaled al-Kaluti — Member of the Board of Trustees of the Welfare Association.
- Ms. Dina Zarina — Secular Committee in the Holy Land.
- Ms. Rania Elias — Director, Yabous Cultural Center.
- Ms. Randa Makhlouf — Secular Committee in the Holy Land.
- Engineer Zaki Aghbariya — President Al-Aqsa Association for Waqf and Culture.
- Ms. Zahira Kamal — Secretary General Fida, Former Minister, Palestinian Authority.
- Dr. Sari Nusseibeh — President, Al-Quds University.
- Mr. Salah Atallah — Businessman.
- Engineer Adnan al-Husseini — Governor of Jerusalem District, Palestinian Authority.
- Mr. Azzam Abu Sa'ud — General Director, Jerusalem Chamber of Commerce.
- Dr. Afu Ighbaria — Member of Knesset.
- Archbishop Atallah Hanna.
- Shaykh Dr. Akrama Sabri — President of the High Islamic Council and Preacher of the Aqsa Mosque.
- Mr. Omar al-Alamy — Associate General Director, Jerusalem Cigarette Company.
- Mr. Francis Tamas — Financial Expert.

- Engineer Fouad al-Daqqaq — Advisor, Jerusalem Holding Company.
- Shaykh Kamal al-Katib — Vice President of the Islamic Movement in Israel.
- Engineer Mazen Sinokrot — Former Minister and businessman.
- Mr. Muhammad Baraka — Member of Knesset.
- Dr. Muhammad Jadallah — Representative of National Forces in Jerusalem.
- Mr. Muhammad Zaydan — President, Arab Higher Follow-up Committee in Israel.
- Dr. Mohamed al-Masrouji — President of the Board of Directors, Businessmen's Association and businessman.
- Rosary Sister's High School.
- Mr. Mas'ud Ghanaim — Member of Knesset.
- Engineer Mustafa Abu Zahra — President of the Council of Islamic Cemeteries in Jerusalem.
- Dr. Mahdi Abd al-Hadi — President, Palestinian Academic Society for International Affairs.
- Shaykh Najih Bakirat — Head, Manuscripts and Culture Section, Al-Aqsa Mosque.
- Professor Nabil Mashhour — President of the Union of the Arab Orthodox Club.
- Ms. Hind Khoury — Former Minister and Jerusalemite Activist.
- Mr. Hisham al-Kalouti — Jerusalemite Activist.
- Mr. Wasif Thahir — President of the Board of Directors, YMCA Jerusalem.
- Mr. Yusef Sanahir — Center for Church Relations.

cc:

- Ambassador Ibrahim Khreishi, Permanent Observer of Palestine to the United Nations Office at Geneva
- Ambassador Elias Sanbar, Permanent Observer of Palestine at UNESCO, Paris
- Ambassador Riyad Mansour, Permanent Observer of Palestine to the United Nations in New York
- Mr. Michael Ratner, Ms. Maria LaHood, Center for Constitutional Rights, New York.

United Nations S/2011/514

Security Council

Distr.: General
12 August 2011

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK, and developments related thereto, from 16 April to 15 July 2011.

2. The Mission's priorities remain unchanged: to promote security, stability and respect for human rights in Kosovo and in the region. UNMIK continues to further these goals by engaging with Pristina and Belgrade, the communities in Kosovo, and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) have continued to perform their important roles within the framework of Security Council resolution 1244 (1999). In line with the Security Council presidential statement of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), the European Union Rule of Law Mission (EULEX) is operating under the overall authority and within the status-neutral framework of the United Nations. OSCE, KFOR and EULEX have continued to cooperate and coordinate with UNMIK. The United Nations agencies, funds and programmes also continue to work closely with UNMIK.

II. Political situation

3. Having overcome a series of political crises, the Kosovo authorities have focused their attention on consolidating themselves and ensuring institutional stability. The leaders of the two main ruling Kosovo Albanian parties, the Democratic Party of Kosovo (PDK) and the New Kosovo Alliance (AKR), agreed on modalities for redistributing ministerial posts. The Prime Minister, Hashim Thaçi (PDK), appointed former President Behgjet Pacolli (AKR) as the Principal Deputy Prime Minister, a newly created post, and a member of AKR to head the newly created Ministry for the Diaspora. At present, the Government has six deputy prime ministers and 19 ministers, of whom three are also deputy prime ministers. The current deputy ministers include three Serbs and eight from other communities.

4. Early in May, the ad hoc Assembly Committee on the reform of the electoral law, composed of representatives from all Assembly caucuses, commenced its work.

Please recycle

Electoral system reform was part of the compromise agreement between the PDK-led government and the main opposition party, the Democratic League of Kosovo (LDK), which ended the political crisis early in the year. The Assembly Committee is preparing a proposal introducing multiple electoral districts and a majority system for the legislative elections. Once the Committee reaches agreement on the changes, a two-thirds majority of the Assembly is required for adoption.

5. During the reporting period, the Kosovo authorities increased their efforts to establish a close engagement with the European Union and enjoy visibility at the international level. In this context, they received visits from the President of the European Commission, José Manuel Barroso, and the European Union High Representative for Security and Foreign Policy, Catherine Ashton. During her visit, the High Representative emphasized the importance of the ongoing dialogue with Belgrade and urged the parties to show flexibility and creativity in order to secure tangible results. The Prime Minister went to Brussels shortly after the fifth round of the dialogue, and discussed the European Union perspective for Kosovo with the High Representative. Since her inauguration on 7 April, the President, Atifete Jahjaga, has focused her activities on participating in multilateral forums. Among other meetings, she attended the summit of Central European leaders in Warsaw, and the celebrations in Rome for the 150th anniversary of the unification of Italy. The host countries did not invite UNMIK to these events. The President of Serbia, Boris Tadić, although invited, did not attend, citing the policy of the Government of Serbia not to attend gatherings where the participation of Kosovo is not facilitated by the United Nations.

6. The Kosovo authorities have reiterated their willingness to cooperate with an investigation into the allegations contained in the report of the Special Rapporteur of the Council of Europe on trafficking in human organs, Dick Marty, and welcomed the creation of a EULEX Task Force to conduct the investigation. EULEX has confirmed that the Task Force will be operational later in 2011, when the ongoing recruitment of all its staff members will be finalized. The Task Force will be composed of two international prosecutors and several international investigators specializing in war crimes investigations. The Task Force, which will exercise its functions under the administrative authority of the head of the EULEX justice component, will be located in Brussels and Pristina. While Serbia has acknowledged the efforts of EULEX in this regard, Belgrade has remained firm in its view that there should be an independent body established by the Security Council, with investigative powers in Albania and beyond, to lead the investigation.

7. During the reporting period, some Serbian government officials, including the Principal Deputy Prime Minister and Minister of the Interior, Ivica Dačić, suggested that "territorial adjustments" might be brought to the table in order to reach a final settlement for Kosovo. The suggestion resulted in sharp retorts from Pristina and Washington. The Kosovo authorities argued that the only way to resolve ethnic problems in Kosovo, and in the Western Balkans, was through full implementation of the Ahtisaari plan and European integration. Kosovo Serb political groups also opposed the idea of territorial adjustments, regardless of whether they live north or south of the Ibër/Ibar River and regardless of their orientation towards Belgrade or Pristina. Those living south of the Ibër/Ibar River fear that territorial adjustments would leave them unprotected in Kosovo, while the northern Kosovo Serbs argue that they are against the Serbian national interest and prohibited by the Serbian Constitution, as they imply recognition of Kosovo's independence. In contrast, the

head of the Kosovo Albanian opposition group Vetëvendosje, Albin Kurti, pledged to work towards the union of Kosovo with Albania.

8. On 12 May, the head of the Belgrade delegation in the dialogue with Pristina, Borislav Stefanović, travelled to Pristina and met with the Deputy Prime Minister and Justice Minister, Hajredin Kuçi; the head of the Pristina delegation in the dialogue, the Deputy Prime Minister, Edita Tahiri; the United States Ambassador; and the interim European Union Special Representative. The visit sparked protests by some 200 supporters of Vetëvendosje, which turned violent and resulted in injuries to several people, including police officers, and damage to some vehicles. The Kosovo authorities condemned the protests.

9. During the reporting period one State Member of the United Nations, Andorra, recognized Kosovo, bringing the total number of recognizing States to 76.

III. Engagement between Pristina and Belgrade and practical arrangements

10. During the reporting period, the process of dialogue welcomed by the General Assembly in its resolution 64/298 and facilitated by the European Union continued: the fourth and fifth rounds of meetings were held in Brussels on 17 and 18 May and on 2 July. The Political Director of the Serbian Ministry of Foreign Affairs, Borislav Stefanović, and the Deputy Prime Minister of Kosovo, Edita Tahiri, continued to lead their respective delegations in the talks.

11. Between the plenary sessions, the frequency of preparatory meetings, technical working groups and bilateral and trilateral contacts between the European Union dialogue facilitation team and the parties to the dialogue was markedly increased.

12. The fourth round of discussions focused on civil registry, cadastre records, freedom of movement, telecommunications and energy issues. The fifth meeting brought concrete results to the dialogue. Agreement was reached in three areas which will improve the life of ordinary people. On civil registry, the parties agreed that a joint committee chaired by EULEX, established as a result of talks at previous dialogue meetings, will continue identifying gaps in missing civil registry books. EULEX will certify copies of all original civil registry books with a view to establishing a comprehensive civil registry in Kosovo. As part of the agreement, EULEX will provide specific civil registration information from Kosovo upon request. This would allow greater legal certainty for people living in Kosovo and it would facilitate the resolution of related issues in court.

13. The agreement on freedom of movement, which both sides agreed should be implemented as soon as possible, will enable people to cross the administrative boundary line using their identity cards or driving licences. It includes other provisions that would allow cross-boundary travel by car, the details of which have to be worked out.

14. The parties also agreed in principle on the acceptance of university and school diplomas. This is expected to be implemented through the certification by a mutually agreed international body or a third-party academic institution. The parties plan to elaborate the details at the next dialogue meeting.

15. It is expected that the agreements reached at the fifth meeting, presented in the form of conclusions by the European Union Chair, will be put into practice as soon as operationally feasible. The firm commitment of both parties to make the agreements work will materialize in the establishment of tripartite joint working groups chaired by the European Union to ensure that implementation is carried out as efficiently as possible. UNMIK has continued its contribution to the dialogue, including its assistance to the meetings and providing information from its experience in Kosovo, such as on civil registry, freedom of movement, acceptance of diplomas and free movement of goods.

16. The Kosovo opposition parties Alliance for the Future of Kosovo (AAK), LDK and Vetëvendosje, as well as civil society organizations, have demanded that the agreements reached be presented and discussed in the Assembly of Kosovo and have criticized the Kosovo authorities for lack of transparency on the issue. Most adamant in this regard was Vetëvendosje, which opposes the dialogue. The President of the Assembly, Jakup Krasniqi (PDK), has made several public statements alleging that neither he nor the Assembly have been adequately briefed about the substance of the dialogue.

17. Northern Kosovo Serb leaders generally voiced disapproval of the dialogue, stating that it was against the interests of Kosovo Serbs and constituted a step towards Serbia recognizing Kosovo as an independent State. Kosovo Serb leaders south of the Ibër/Ibar River were more positive about the dialogue as a tool to help to ease their day-to-day problems. The largest Kosovo Serb party participating in the Kosovo institutions, the Independent Liberal Party, repeatedly expressed frustration over its perceived exclusion from the process by both Belgrade and Pristina.

18. The Government of Serbia promoted the mutual benefits of the agreements, while stressing that they did not prejudice the future status of Kosovo. The Serbian opposition parties have criticized the main ruling party in Serbia, the Democratic Party, for agreeing to the dialogue conclusions, with the notable exception of the smaller opposition Liberal Democratic Party, which welcomed the conclusions. Yet, while the opposition Democratic Party of Serbia, New Serbia and the Serbian Radical Party denounced the development, the largest opposition party, the Serbian Progressive Party, projected a milder tone, noting that the dialogue must continue, but that its conclusions must not lead to the recognition of Kosovo by Serbia.

19. Complementing the support provided to the formal dialogue process, my Special Representative and my Representative in Belgrade have continued to hold regular meetings with the Serbian leadership, and contacts between my Special Representative and the Kosovo authorities have intensified. UNMIK staff continued to liaise regularly with the Kosovo authorities at the working level.

20. During the reporting period, exhumation efforts were resumed at Zhilivodë/Žilivoda by the Kosovo Security Force and EULEX. On 15 July 2011, the Pristina-Belgrade Working Group on Missing Persons, chaired by the International Committee of the Red Cross (ICRC), held its first meeting after a hiatus of nearly one year, largely due to internal political events in Kosovo. The parties reiterated their intention to fulfil the commitments undertaken and to continue their interaction within the framework of the Working Group. Eleven missing persons were identified and their remains returned to their families. According to ICRC, 1,809 persons remain missing.

IV. Northern Kosovo

21. The overall security situation in northern Kosovo remained relatively calm, but tensions increased towards the end of the reporting period. Northern Kosovo Serb leaders raised concerns with regard to decisions of the Kosovo Ministry of Internal Affairs to expand its operations into Kosovo Serb-majority northern municipalities, through the activities of the Regional Operational Support Units and Regional Traffic Units. Tensions rose when the Operational Support Units commenced daily patrols in multi-ethnic areas of northern Kosovo, as part of Pristina's efforts to assert authority there.

22. In the middle of May, a decision by the Kosovo Ministry of Internal Affairs to rotate the Kosovo police northern station and gate commanders also heightened tensions in northern Kosovo. Initially, all six northern Kosovo Serb commanders refused to implement the rotation order and were suspended from office. While two of the commanders later agreed to the rotation, one was prevented from assuming his new post by a roadblock. After an investigation by the Kosovo Police Professional Standards Unit, early in July the Kosovo police Director endorsed a decision to terminate the employment contracts of the four Kosovo Serb commanders who did not comply with the rotation order. Northern Kosovo Serb leaders denounced the decision and expressed the position that any rotation plans should have been based on consultations with them. Kosovo Serb police officers and administrative staff in the northern stations have held random work stoppages in support of the reinstatement of the dismissed commanders. In June, the Belgrade-sponsored municipal assemblies in Zubin Potok, Zveçan/Zvečan, Leposaviq/Leposavić and northern Mitrovica held a joint session at which they rejected the rotation plans and blamed KFOR, EULEX and the Kosovo authorities for trying to pressure northern Kosovo Serbs to accept the authority of Pristina. By 15 July, the four dismissed northern commanders had signed their termination letters. The termination decision can be appealed by 20 July.

23. Following the detention in May of a Serb resident of Zubin Potok by EULEX, on suspicion of various criminal activities, including organized crime, smuggling, and fraudulent evasion of import duty and excise tax, members of the local business community denounced the detention as intimidation and an attempt to impose the payment of taxes and Customs duties to the Kosovo authorities, which they do not recognize. As a result, the local business association organized daily roadblocks in Zubin Potok and sporadic roadblocks in northern Mitrovica, Leposaviq/Leposavić and Zveçan/Zvečan, which continued for almost one month. While the actions were initially staged in support of the detainee, subsequently they were also in opposition to the rotation of the northern police station commanders. These developments further strained the relationship between northern Kosovo Serbs and EULEX.

24. In response to allegations by some northern Kosovo Serb local leaders and inhabitants that their interests were not being adequately reflected by the Serbian delegation in the dialogue, the head of Belgrade's negotiating team in the dialogue with Pristina, Borislav Stefanović, visited on 2 June Zveçan/Zvečan and Zubin Potok and met with local officials to reassure them that their interests would be taken into account in the talks.

25. In May, the UNMIK Advisory Board in Mitrovica was expanded and its procedures streamlined to make it a more efficient body and to better reflect the

existing local political situation in northern Mitrovica. Following a series of UNMIK consultations with all stakeholders, to identify suitable candidates and maintain an ethnic balance reflecting the local population, 15 members were appointed to the Advisory Board, including two Kosovo Albanians and one Kosovo Bosniak.

26. On 16 June, the Kosovo Customs authorities blocked a shipment of lorries loaded with zinc ore concentrates destined for export by the northern and southern components of the Trepça Enterprise, on the basis of a letter from the Kosovo Privatization Agency to the effect that it had not authorized such exports. Later, the authorities released the Trepça/south shipment for export, whereas all 22 lorries coming from Trepça/north were refused passage. The Trepça/north export had been authorized by UNMIK on the basis of legislation promulgated under resolution 1244 (1999). The northern part of the Trepça Enterprise derives almost all income from these mineral concentrate exports, which is essential for the economy in the north, as it pays suppliers and all Trepça/north employees.

V. Economic situation

27. On 1 June, an International Monetary Fund (IMF) mission on the Article IV consultations with Kosovo announced the interruption of the 18-month standby arrangement with Kosovo. IMF concluded that elements of the Kosovo government's 2011 budget, in particular the large increase in the wage bill, deviated from the commitments under the arrangement. As a result, Kosovo will not be able to access the IMF funds to be disbursed under the standby arrangement in 2011. In addition, a considerable amount of European Union and World Bank funds will not materialize, as these are linked to clear assurances on a sound macro-economic framework. IMF staff have agreed with the Kosovo authorities on a staff monitoring programme, under which the Fund would monitor the implementation of economic and financial reforms until the end of 2011, before deciding on a possible IMF-supported arrangement in 2012. The 2011 budget also includes income of €300 million from the forecast sale of 75 per cent of the shares of the telephone company PTK, expected to be the main source of deficit financing. According to IMF, a possible delay in the privatization process is a risk for the 2011 budget. Doubts about whether these funds will be made available in full, as well as the planned expenditure for the construction of the highway traversing Kosovo from Albania, place additional financial pressure on the Kosovo budget. In addition, since Kosovo lost preferential trade treatment by the European Union on 31 December 2010, products originating from Kosovo are subject to Customs duties upon entering into the European Union market.

28. In May, the Kosovo authorities started preparing amendments to the existing privatization legal framework in Kosovo previously established by UNMIK. There are some concerns that the draft legislation may permit the Kosovo authorities to have access to, and use for budgetary purposes, privatization funds that are held in trust by the Kosovo Trust Agency for the benefit of owners and creditors. The proposed legislation would severely weaken the protection of privatization funds and expose the funds to the possibility of improper use. It therefore raises both property rights issues, in terms of the possible expropriation of privatization funds to the detriment of owners and creditors, and duty of care and potential liability issues, vis-à-vis owners and creditors, to protect the trust funds. The proposed legislation also contemplates changes to the privatization and liquidation process of

socially owned enterprises and seeks to minimize international involvement in Kosovo Trust Agency-related matters, contrary to the legal framework established by UNMIK.

VI. Security

29. During the period under review, the overall security situation in Kosovo remained relatively calm, although low-level incidents affecting minority communities increased compared to the same period in 2010, as did the number of incidents affecting international personnel and assets.

30. One positive development was a nearly 27 per cent decrease in the number of murders and attempted murders. There was also a 20 per cent reduction in the number of armed robberies. Kosovo police demonstrated improved professionalism by conducting a number of successful operations against arms smuggling, trafficking of human beings, corruption and money-laundering. On 19 April, nine firearms and 600 rounds of ammunition were seized in Kaçanik/Kačanik. On 13 June, a heavy machine gun with 600 rounds of ammunition and a mortar with 33 grenades were seized in another operation near Shtërpcë/Štrpce.

31. However, criminal incidents affecting minority communities nearly doubled during the past three months compared to the same period the previous year (77 cases as at 15 July, compared to 38 in 2010). There were five instances of buses transporting ethnic Serbs being stoned. Although most other cases consisted of low-level harassment, intimidation, assault and damage to property, a few serious incidents were also reported, such as an assault on three Kosovo Serb police officers on duty by a group of Kosovo Albanian armed men on 2 July and the stabbing of a Serb in Mitrovica.

32. Most of the incidents affecting international personnel and assets were low-profile thefts, burglaries or minor damage to property or vehicles, but several physical assaults, threats and stoning incidents were also reported. Notably, on 7 June in Pristina, two EULEX official vehicles were set on fire by unknown individuals, while an international staff member of the European Commission was assaulted and robbed on 15 June. On 6 and 21 June, two vehicles with OSCE registration plates, one a private car driven by an international staff member, the other an official vehicle, were hit by bullets under unclear circumstances near Pejë/Peć and Gjilan/Gnjilane, respectively.

33. During the reporting period there were also a number of protests, rallies and demonstrations across Kosovo over various political and socio-economic issues, which were generally peaceful.

34. The crime rate remained relatively constant. The overall number of violent crimes committed with the use or under the threat of weapons remained high, with no sign of decrease, indicating that the proliferation of illegal weapons continued to be a serious factor of insecurity. A total of 151 shooting incidents and 335 cases of confiscation of illegal weapons and ammunition were registered during the past three months.

35. On 29 June, the Kosovo Albanian Mayor in southern Mitrovica threatened to remove the external concrete blast walls that surround the building currently used by UNMIK as its regional premises, claiming that this is necessary as part of the

municipality's urban beautification plan, funded by the European Commission. The issue was resolved only after a series of UNMIK interventions with EULEX, the European Commission Liaison Office, bilateral missions, and senior political leadership in Pristina, all of whom understood the illegality of the proposed action. The Officer in Charge of UNMIK met with the Mayor on 7 July and, after a fresh assessment of the security requirements, reached an understanding which obviated the municipality's intention to remove the blast walls, by changing their location.

VII. Rule of law

36. UNMIK continued to exercise certain responsibilities in the area of the rule of law, to monitor activities and to cooperate at the technical level with the Kosovo Ministries of Justice and Internal Affairs, and the Serbian Ministry of Justice. UNMIK also continued to facilitate communication between the Serbian authorities and non-recognizing States and the Kosovo Ministry of Justice, including receiving and forwarding requests for mutual legal assistance. The impasse between the Kosovo Ministry of Justice and the Serbian Ministry of Justice on mutual legal assistance persisted. UNMIK remains engaged in discussions to address the situation, including with EULEX. During the reporting period, UNMIK forwarded 46 responses from the Serbian Ministry to the Kosovo Ministry.

37. As Serbia had not processed any requests received directly from the Kosovo Ministry of Justice, the Special Chamber of the Supreme Court on Kosovo Trust Agency-Related Matters used UNMIK good offices to carry out mutual legal assistance: UNMIK forwarded 47 requests for service of documents to Serbia from the Special Chamber.

38. UNMIK also facilitated the interaction of Kosovo with INTERPOL and its member States on a daily basis, receiving eight requests for issuance of international wanted notices and facilitating the issuance of five INTERPOL red notices.

39. During the reporting period, UNMIK continued to provide document-certification services, both to Kosovo residents and at the request of non-recognizing States. Those services included primarily the certification of civil status, pension and academic documents.

VIII. Communities, returns and reconciliation

40. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported 244 individual voluntary minority returns in April and May, bringing the total of such returns since January to 492 persons. Of the 244 returnees, approximately 39 per cent were Kosovo Serbs, 34 per cent were from the Kosovo Roma, Ashkali and Egyptian communities, and 12 per cent were Kosovo Goranis, while Kosovo Bosniaks and Kosovo Albanians each accounted for 5 per cent. The total number of minority voluntary returns from January 2000 to May 2011 is 22,630.

41. In April and May, five "go-and-see" visits were organized for 69 displaced persons, mostly from Montenegro and Serbia, as well as five "go-and-inform" visits in Serbia proper, for the benefit of more than 139 displaced persons from the Deçan/Dečani, Kllokot/Klokot, Rahovec/Orahovac and Lipjan/Lipljan municipalities.

42. Some receiving communities continue to oppose the return of displaced persons. In Shtime/Štimlje municipality, a Kosovo Albanian receiving community had objected to the return of three Kosovo Ashkali displaced families from the former Yugoslav Republic of Macedonia on the basis of war crime allegations. In Deçan/Dečani, a "go-and-see" visit to Lloqan/Loćane village for 13 displaced Kosovo Serbs was postponed when the receiving community objected to the visit of two of them, alleging that they had committed war crimes during the conflict. Municipal authorities and other stakeholders are seeking durable solutions to deal with these situations, including pre-return dialogue and inclusion of benefits for the receiving communities in returns projects.

43. UNHCR also recorded the forced return, mainly from Western European countries, of 100 persons from minority communities: 71 members of the Kosovo Roma, Ashkali and Egyptian communities, 11 Kosovo Serbs, 12 Kosovo Bosniaks, 4 Kosovo Goranis and 2 Kosovo Albanians.

44. Kosovo central and local authorities are grappling with the socio-economic difficulties associated with the reintegration of forced returnees. Municipal authorities have cited lack of funding and bureaucratic hurdles, including lack of coordination between them and the Ministry of Internal Affairs. In a bid to advance the returns process, several returns projects were initiated, notably the development of the Municipal Returns Strategy, allocation of land for landless displaced persons of the Kosovo Roma, Ashkali and Egyptian communities, review of applications from displaced persons for assistance with housing construction/reconstruction, and commencement of stalled construction projects.

45. Several municipalities made significant progress in implementing development projects for returnees, especially in minority and ethnically mixed villages. Dragash/Dragaš, Istog/Istok, Graçanicë/Gračanica, Lipjan/Lipljan, Fushë Kosovë/Kosovo Polje and Partesh/Parteš are among the municipalities that embarked on capital investment projects for minority community residents, including infrastructure development such as construction or upgrading of roads, construction of sewage and water supply networks, modernizing the electricity network and building new schools. Nevertheless, some members of minority communities have expressed dissatisfaction with the poor state of infrastructure in their villages, in particular with the irregular electricity and water supply, dilapidated roads and sewage systems, as well as the lack of employment prospects. As part of its support to communities, UNMIK facilitated communication between minority communities and the Kosovo authorities on a number of these issues, encouraging outreach and attention by Kosovo authorities to minority villages.

46. In April, the Kosovo authorities conducted a population and housing census throughout Kosovo, with the exception of the area north of the Ibër/Ibar River. Discussions were held with northern Kosovo Serb leaders about conducting the census in northern Kosovo, but no agreement has been reached. According to the preliminary figures, the total population residing in Kosovo, excluding the inhabitants in the north, amounts to 1,733,872 inhabitants. Non-residents were not included in the preliminary results. In the 1981 census, which is the last that was accepted by all sides, 1,584,440 residents were registered. The census will provide critical data for integrated planning processes and is crucial for ensuring proper planning of future development strategies for all Kosovo residents. Final data are due to be published in June 2012, but without data or accurate estimates of the

number of Kosovo Serbs resident in Kosovo, particularly in northern Kosovo, they will be incomplete.

47. Easter celebrations and religious services were held throughout Kosovo without major incidents. The Serbian Orthodox Church held its main Easter commemoration in the recently renovated cathedral of St. George in Prizren, where the head of the diocese of Raška-Prizren, Bishop Teodosije, celebrated the first Easter liturgy since 1999 before a congregation of some 100 Kosovo Serbs. On 28 June, St. Vitus' Day (Vidovdan) was celebrated in Gračanica Monastery and at Gazimestan, with the participation of the Serbian Orthodox Patriarch Irinej and nearly 2,000 Serb participants. There were only a few incidents, including a clash between five Serbs and police at Gazimestan and the stoning of two Serbian buses in southern Mitrovica. The five individuals involved in the clash with the police, four of whom were from Serbia proper and one from Kosovo, were sentenced to 30 days in jail for disturbing public peace and order and inciting racial, ethnic and religious hatred. Following discrepancies regarding the events in question as reported by the Kosovo police, on the one hand, and EULEX police, on the other, the latter took over the cases and on 13 July a EULEX prosecutor dropped the charges for lack of evidence.

IX. Cultural and religious heritage

48. UNMIK continued to facilitate the work of the Reconstruction Implementation Commission on the reconstruction of cultural and religious heritage sites damaged or destroyed during the violence of March 2004. During the reporting period, the final stage of implementation continued at several sites, and the Commission held consultations with all parties to explore modalities for further activities through the mechanism of the Commission, which remains the only platform for technical interaction on cultural heritage among the Serbian Orthodox Church, Pristina and Belgrade.

49. UNMIK also facilitated the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Kosovo, based on the umbrella memorandum of understanding. During the reporting period, the contract for the reconstruction of the Roman Catholic cathedral in Prizren, funded by the Government of Albania, was signed, and the tender for the restoration of wall paintings in the Church of the Holy Virgin Ljeviška in Prizren, funded by donations from the Governments of Greece and the Czech Republic, was completed.

50. UNMIK monitored the security arrangements provided for Serbian Orthodox sites in coordination with EULEX, the Kosovo Ministry of Culture, Youth and Sports and KFOR. On 10 May, KFOR transferred security responsibilities for the Holy Archangels Monastery, near Prizren, to the Kosovo police. The patrimonial sites of the Serbian Orthodox Church now remaining under KFOR protection are the Visoki Dečani and Dević monasteries and the monastery of the Peć Patriarchate.

51. While some Serbian religious sites and Orthodox graveyards were damaged during the reporting period, there were also positive examples of communication between local authorities and the Serbian Orthodox Church. In Rahovec/Orahovac, after international intervention, the municipal and Serbian Orthodox Church authorities are seeking a peaceful settlement to the encroachment of land belonging to the Orthodox Monastery in Zoqishtë/Zočište village, which occurred as a result of

the rehabilitation and extension of the adjacent road. Another positive sign of improving relations was the meeting in June between Bishop Teodosije and the Mayor of Deçan/Dečani, facilitated by the Norwegian Ambassador to Kosovo, at which prospects for closer cooperation were discussed.

52. On 23 June, the diocese of Raška/Prizren reported that excavation works by a private citizen adjacent to the church had exposed parts of the foundations of the Orthodox Church of St. Kyriake, in the historic centre of Prizren. The diocese fears that the excavation work could affect the stability of the more than 700-year-old church and called for urgent measures to preserve and protect the site, which is located within the town's special protective zone. The Kosovo police confirmed the damage to the church's foundation and the municipal inspectorate halted all work at the site.

X. Human rights

53. The Ombudsperson Institution is still awaiting the appointment of the Deputy Ombudspersons, although the Assembly of Kosovo has initiated the procedure. In June, the Ombudsperson addressed a special report to the President of the Assembly, detailing the difficulties that the institution continues to face in the exercise of its mandate. The report states that challenges stem mainly from alleged attempts to infringe the institution's independence through budgetary interventions by the Government and notes that, in this respect, the law on the Ombudsperson adopted by the Assembly constitutes a setback compared to the UNMIK regulation. The Assembly Committee on Human Rights has been engaged to address some of the recommendations contained in that report.

54. According to the Office of the United Nations High Commissioner for Human Rights, the recent alleged murder of a 27-year-old woman by her ex-husband brought to light continued failures by the judiciary to duly apply protection measures in accordance with the relevant legislation. In the case in question, a judge failed to impose urgent protection measures within 15 days as prescribed by law. According to the Kosovo police, this was the fourth woman to die as a result of domestic violence in the past 12 months. In addition, lenient sanctions are being imposed against violations of protection measures, even in cases of recidivism. Incomplete investigations, inadequate implementation of protection measures, lack of cooperation between the police and prosecutors, and a failure to prosecute offenders have increased victims' vulnerability to recidivism while allowing perpetrators to go unpunished. Without a strong message from law enforcement mechanisms that violence will not be tolerated, perpetrators can continue to abuse women without fear of sanctions.

XI. External representation and regional cooperation

55. During the reporting period, UNMIK facilitated the participation of Kosovo representatives at numerous regional meetings at different levels, including the meeting of the Foreign Ministers of the European Union and the Western Balkans in Luxembourg on 21 June, as well as several Energy Community meetings in other sectors, such as transport and aviation.

56. The meetings of the 2011 chairmanship of the Central European Free Trade Agreement (CEFTA) continued. After the meetings of the CEFTA Working Group on Technical Barriers to Trade in April and the Subcommittee on Customs and Rules of Origin on 19 and 20 May, UNMIK facilitated the meeting of the Subcommittee on Agriculture on 24 May in Brussels, chaired by the 2011 Chair-in-Office. On 30 June the meeting of CEFTA Experts and Deputy Ministers was held in Pristina, with the participation of all CEFTA parties except Montenegro and the Republic of Moldova. However, the Kosovo authorities chose not to participate in the Subcommittee on Non-Tariff Barriers and Technical Barriers to Trade in Sarajevo, as they disagreed with the modalities of the meeting.

XII. Observations

57. I am pleased to report that the dialogue between Belgrade and Pristina has continued at an intense pace during the reporting period and has produced its first concrete results three months after its launch. I welcome the agreements reached in the areas of freedom of movement, civil registry and academic diplomas and I urge Belgrade and Pristina to engage fully in implementing them. It remains my firm belief that this dialogue has the potential to bridge the differences between the sides and to resolve a series of long-standing issues that affect the lives of the people on the ground.

58. I have noted that the engagement of the sides in the process has been facing some opposition. However, I am confident that the positive impact of the agreements, when implemented, will generate a wider understanding and appreciation of the benefits that can be derived from the dialogue. I also consider that the positive engagement of the sides outside the formal process of dialogue, such as the meetings held in May by senior officials in Pristina and the Serbian negotiator, may pave the way for further progress in their relations.

59. As the process of dialogue moves forward, the United Nations remains committed to supporting the facilitating role of the European Union, and to providing its expertise on the issues under discussion. I reiterate my intention to keep the Security Council informed of the progress made in the dialogue, and I appeal to its members to continue encouraging the sides to make good faith efforts to tackle the remaining challenges. I believe that agreements can be reached on a number of issues discussed during the past months, thereby contributing significantly to the consolidation of peace, stability and reconciliation in Kosovo and in the region.

60. I am also encouraged by the resumption of the sessions of the Working Group on Missing Persons, after a hiatus of nearly a year largely due to internal political events in Kosovo. The continuing engagement and commitment by the parties to this fundamental humanitarian issue is of vital importance to reconciliation in Kosovo and the region. UNMIK will continue to support efforts by Pristina, Belgrade, EULEX and ICRC to resolve all the outstanding cases of missing persons.

61. The numbers of voluntary returns have remained disappointingly low, despite efforts by the local and central authorities to provide additional funding to assist with reconstruction and the allocation of municipal land for internally displaced persons. It is my hope that solutions will be found to addressing the persisting

tensions between receiving communities and returnees, and efforts will be redoubled to ensure the successful reintegration of all the returning communities.

62. In northern Kosovo, the growing tensions remain a cause for concern. In this regard, I will continue to firmly stress that sensitive issues relating to northern Kosovo can be resolved only through peaceful means, on the basis of consultation with all communities on the ground, and not through unilateral action. I urge all sides to refrain from actions that could undermine the progress made in the dialogue and escalate tensions, and to work together to avoid any further deterioration of the situation.

63. Regrettably, this period saw the recurrence of earlier, unacceptable threats to the premises of the UNMIK office in Mitrovica by the local municipal authorities. I call on the authorities in Mitrovica and on the political leaders in Pristina to demonstrate full respect and to provide reassurances that the inviolability of the UNMIK premises throughout Kosovo will henceforth be clearly acknowledged and observed. I have also noted with concern the growing overall number of incidents affecting international personnel and assets.

64. I would like to express my gratitude to Lamberto Zannier, who concluded his tenure as my Special Representative for Kosovo and Head of UNMIK on 1 July, for his strong commitment to the United Nations principles and his leadership of UNMIK during the past three years. I deeply appreciated his successful management of the evolution of the Mission within a challenging political environment and his dedicated efforts to furthering peace and stability in Kosovo and the region. I would also like to commend the staff of UNMIK for their work and commitment to the goals of the United Nations.

65. Finally, I would like to conclude by extending my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, NATO and OSCE — as well as to the United Nations agencies, funds and programmes, for their ongoing support and cooperation with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

(covering the period from 16 April to 15 July 2011)

1. Summary

21 July 2011

The European Union Rule of Law Mission in Kosovo (EULEX) continued to implement its mandate to monitor, mentor and advise Kosovo institutions. The Mission provided assistance and support to the consolidation and reform of rule of law institutions, along with input to several long-term judicial and police reforms. EULEX also made use of its executive functions, when necessary, in the context of policing and investigative tasks related to high-profile investigations, police operations in the north of Kosovo and the prosecution of cases involving war crimes, corruption and organized crime. The Mission continued to focus attention on the north of Kosovo, increasing the number of Mission staff living in the area while working to defuse ongoing tensions between local communities. The Mission has also taken an active role in the Prishtinë/Priština-Belgrade dialogue by facilitating the technical aspects of an agreement to return copies of civil registries records to Kosovo.

Since the report of the Council of Europe Special Rapporteur, Senator Dick Marty, on the investigation of allegations of inhuman treatment of people and illicit trafficking in human organs in Kosovo was made public in December 2010, EULEX has assumed responsibility for the case and continues to move forward with the preliminary investigation, through a special task force, partially based in Brussels.

2. EULEX activities, April to July 2011

General

EULEX currently comprises 2,824 staff (1,637 international and 1,187 local staff). Monitoring, mentoring and advising in support of Kosovo institutions remains the Mission's defining function and constitutes the majority of its everyday work, although the executive functions of the Mission are employed regularly and attract greater attention.

EULEX provided monitoring, mentoring and advising on several actions and management-level processes in Kosovo, including the handover/takeover from KFOR to the Kosovo police of the third and final phase of the border with the former Yugoslav Republic of Macedonia in June, and the handing over of security responsibility for the Holy Archangels Monastery in Prizren to the Kosovo police on 10 May. The Mission also worked closely with Kosovo Customs to replace outdated data-processing systems with the integrated system ASYCUDA World, compliant with European Union standards, and worked with the Kosovo police to introduce the

European Union-compatible Border Management System. Both systems should improve the ability of Kosovo to effectively control border/boundary crossing points and monitor the entry and exit of persons, goods and vehicles. EULEX also provided support to the consolidation and development of Kosovo rule of law institutions like the Kosovo Judicial Council and Kosovo Prosecutorial Council, helping these burgeoning institutions to establish internal procedures on the recruitment and selection of council members and judges and enhancing transparency, together with preparing for implementation of the Kosovo Law on Courts, an in-depth reform of the structure and jurisdiction of Kosovo courts — and a key task for the Kosovo Judicial Council in the coming three years. EULEX is also providing close assistance to Kosovo authorities on the establishment of an adequate witness protection programme, another reform critical to a functional Kosovo justice sector in the future. Until such structures can stand on their own, EULEX operates a fully operational and independent witness protection programme for Kosovo.

EULEX provided support to the continuing Prishtinë/Priština-Belgrade dialogue, facilitating the agreement to hand over copied civil registries records removed from Kosovo during the 1998-1999 conflict by chairing the Joint Committee on the matter and acting as an intermediary to certify and share the documents.

Throughout spring and summer, EULEX carried out a public anti-drugs media campaign throughout Kosovo, coordinated with the Kosovo police as a public information and community policing effort.

War crimes

EULEX continued several investigations and prosecutions in the area of war crimes, including the trials of several high-profile suspects. The so-called "Geci" trial, begun in March under the direction of Mitrovicë/Mitrovica District Court, continued to hear testimony throughout the spring and summer, with a verdict expected at the end of July. The trial against defendants Sabit Geci and Riza Alija, accused of war crimes committed against civilians in a Kosovo Liberation Army military compound in Albania during the Kosovo conflict of 1999, has benefited greatly from the provision of anonymous video links facilitated by the EULEX Witness Security Unit. The video links allowed persons to testify without revealing their identity, giving the prosecution access to key testimonies. The trial is also notable for the fact that the Mission successfully established jurisdiction over the Geci case for crimes committed in Albania, an arrangement applicable to the ongoing investigation based on the report by Senator Dick Marty (see below). The so-called "Bllaca" war crimes trial against Fahredin Gashi and Hysni Rama also continued at Prishtinë/Priština District Court, the first trial resulting from the testimony of the cooperative witness Nazim Bllaca.

Investigations also proceeded concerning the case of the former Minister, Fatmir Limaj, together with the arrests on 16 March of nine individuals in Kosovo and Switzerland, with regard to war crimes allegations. The investigation is under the supervision of a prosecutor from the Kosovo Special Prosecution Office and is based on grounded suspicions of killings, torture and other offences against Kosovo Albanian and Serb civilians and prisoners of war in a detention centre in Kosovo in 1999. The arrested individuals have been kept under extended detention on remand

since March and, most recently, on 20 June, a panel of Kosovo and EULEX judges rejected the appeals of five of the defendants as ungrounded and confirmed the decision of the pre-trial judge to extend their detention for a further month. The issue of Limaj's parliamentary immunity from arrest as a member of the Kosovo Assembly still needs to be clarified, and the Mission has sought various legal and political avenues to receive clarification on the issue; however, even as a member of the Assembly, Limaj does not enjoy immunity from prosecution for the alleged crimes committed.

The Government took steps to clarify the issue of immunity from arrest on 20 July when it decided to refer to the Constitutional Court a request for an interpretation of the immunity of the President, Prime Minister, Ministers and members of the Kosovo Assembly.

Investigations are proceeding following the arrest in April, by the Kosovo police and EULEX, of Zoran Kolić, a senior official of the Independent Liberal Party, on charges of war crimes allegedly committed in 1999. In May, a panel of local EULEX judges extended his detention on remand.

Corruption

EULEX continued to work closely with Kosovo prosecutors to identify, prioritize and prosecute major cases of corruption at various levels of government. On 15 June, a joint Kosovo police and EULEX police team carried out searches and seized materials as part of an investigation concerning the Ministry of Community and Returns and the so-called "Fimex" company in Pristina. The searches, which also included two private residences, were conducted in the context of an investigation into corruption with regard to tenders issued from 2007 to 2009. The charges in the case relate to misappropriation in office, accepting and giving bribes. On 23 June, EULEX carried out searches at the Municipal Cadastral Office of Gračanica/Graçanicë, including the offices of the Head and the Director of the Office. The searches were carried out in the context of an investigation into alleged abuse of official position in relation to the fraudulent registration of ownership of privatized former socially owned enterprises in 2010. Meanwhile, investigations continue in corruption cases involving four defendants connected to the former Governor of the Central Bank of Kosovo, with witnesses continuing to be interviewed.

On 23 May, a panel of local and EULEX judges at Prishtinë/Priština District Court convicted eight people on corruption charges in connection with irregularities at the Credit Bank of Prishtinë/Priština, handing down sentences ranging from suspended sentences to five years in prison. On 8 June, the Special Prosecution Office filed an indictment against five defendants in the investigation in relation to a mobile virtual network operator agreement between the Post and Telecommunications of Kosovo and a private company, Dardafon. On the same day, the Special Prosecution Office filed an indictment against two defendants in the context of an investigation regarding a large importation of tobacco by four Kosovo tobacco companies in December 2008.

As part of the Mission's continuing support to Kosovo institutions through effective monitoring, mentoring and advising, on 28 June EULEX began a 12-month training and workshop programme for Kosovo and EULEX judges, prosecutors and investigators on the confiscation of criminal assets. The programme aims to make

the use of confiscation powers deriving from the existing law a standard tool in the fight against organized crime and corruption. It will also serve to prepare the way for the implementation of new legislation in the area.

Organized crime

On 10 June, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment against two individuals related to the so-called *Medicus* case. Warrants of arrest were issued by Prishtinë/Priština District Court and both suspects are subject to INTERPOL international wanted notices. The two indictees join seven additional defendants indicted in April by a panel of EULEX and local judges. Together, the nine defendants will face charges related to organ and human trafficking, organized crime, unlawful exercise of medical activity and abuse of official position. The case was initiated by Kosovo and UNMIK police officers in November 2008.

On 17 June, seven of the defendants in the so-called *Tisa River* case charged with organized crime and smuggling of migrants were sentenced to terms of imprisonment ranging from 2 to 19 years, for a total of 65 years. The case exposed an organized crime group that offered migrants illegal passage to European Union and other European countries, making significant illicit profits. The activities of the group resulted in the death of 15 migrants in October 2009.

Several police operations related to combating organized crime were also carried out during the spring and summer. On 4 May, as part of several house searches linked to drug trafficking in Pejë/Pec, EULEX Executive Police arrested a man in connection with an investigation into international heroin trafficking, authorized by a EULEX pretrial judge at Prishtinë/Priština District Court and supervised by a EULEX prosecutor. The arrested individual is suspected of trafficking drugs in and out of Kosovo to various European countries in 2008/09 and his arrest is part of a wider investigation into organized crime. On 17 May, EULEX arrested a man in a location between Zubin Potok and northern Mitrovicë/Mitrovica, suspected of involvement in organized crime. The arrest took place within the context of an ongoing investigation by the Special Prosecution Office into organized crime and money-laundering and followed up on an earlier EULEX law enforcement operation in Zubin Potok in February. Following the arrest daily roadblocks were organized in the area in support of the arrested person.

EULEX Special Task Force

Since the report of the Council of Europe Special Rapporteur, Senator Dick Marty, was made public in December 2010, EULEX has assumed responsibility for the case and continues to move forward with the preliminary investigation, through a special Task Force dedicated to the matter with prosecutors assigned to this case only. Planning for this process has now reached an advanced stage, to the point where Task Force members have been interviewed and recruited and facilities and equipment for the Task Force in Brussels have been secured. The EULEX Task Force, to be based in Brussels and Prishtinë/Priština, consists of EULEX staff selected in the most recent hiring process, permanently assigned to the investigation of the case and operational immediately upon their deployment. EULEX continues to maintain contact with relevant stakeholders and actors in the region as the investigatory process moves forward.

Cooperation with judicial authorities in Tirana has in particular led the Court of Serious Crimes, on 27 May 2011, to rule in favour of a request for international assistance lodged by EULEX prosecutors in this respect, paving the way for concrete investigative work in Albania. In parallel to those judicial efforts, the Mission has strengthened its witness security programme by reaching out to, inter alia, EUROPOL to improve the prospects for relocation abroad and by increasing the funding for such relocation.

Approved by Xavier Bout de Marnhac
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2011)

Country	*Number*
Germany	1
Ghana	1
Italy	1
Romania	1
Russian Federation	1
Pakistan	1
Ukraine	1
Total	**7**

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2011)

Country	*Number*
Czech Republic	1
Denmark	1
Norway	1
Poland	1
Romania	1
Spain	1
Ukraine	2
Total	**8**

United Nations A/ES-10/527-S/2011/515

General Assembly
Security Council

Distr.: General
12 August 2011

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-sixth year

Identical letters dated 11 August 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I am compelled to write to you once again on the deteriorating situation in the Occupied Palestinian Territory, including East Jerusalem. On 8 August 2011, I sent a letter (A/ES-10/526-S/2011/500) regarding the illegal, reckless and provocative declaration that came on Thursday, 4 August 2011, in which Israel, the occupying Power, announced the approval given to build 900 more settlement units in the so-called settlement of "Har Homa" located in Jabal Abu Ghneim in Occupied East Jerusalem. Only one week later, with total arrogance and total disregard for international law and the calls made by the international community on Israel to end its illegal settlement campaign, the occupying Power shamefully announced today the approval of 1,600 more settlement units in the so-called settlement of "Ramat Shlomo" in Occupied East Jerusalem.

The illegal unilateral actions of the occupying Power make it extremely clear to the international community that Israel is not interested in peace; rather it is interested in entrenching its colonization and 44-year long occupation of the Palestinian Territory, including East Jerusalem. The international community must compel Israel to abide by its obligations under international law and end its illegal occupation including its colonization campaign, and must seriously begin to take further effective measures to end the Israeli occupation which began in 1967 to salvage the possibility of the two-State solution.

The present letter is in follow-up to our previous 398 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 8 August 2011 (A/ES-10/526-S/2011/500), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian

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people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations